

Gardner

UNITED STATES DISTRICT COURT

for the

FILED

United States of America

v.

Jorge FLORES Gutierrez

Case No.

MAR 18 2011
 CLERK, U.S. DISTRICT COURT
 WESTERN DISTRICT OF TEXAS
 BY [Signature]
 DEPUTY CLERK

Defendant(s)

A-11-m-191

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of 03-14-2011 in the county of Caldwell in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

Title 21 USC 841 (a) (1), 846

Knowingly, intentionally, and unlawfully possessed
 with intent to distribute a controlled substance, to
 wit: Marihuana, approximately 1761 pounds and
 conspiracy with intent to distribute Marihuana.

This criminal complaint is based on these facts:

SEE ATTACHMENT.

☒ Continued on the attached sheet.

[Signature]
 Complainant's signature

Julio Santos, DEA Task Force Officer

Printed name and title

Sworn to before me and signed in my presence.

Date: 03-18-2011

[Signature]
 Judge's signature

City and state: Austin, Texas

Robert Pitman, Magistrate

Printed name and title

On 03-14-2011, at approximately 5:00 p.m., Caldwell County Sheriff's Office Sergeant Erik Hinterlach along with assigned canine "Harley" were working routine patrol on Interstate Highway 10, Caldwell County, Texas. Sergeant Hinterlach observed a white 2002 Chevrolet pickup truck bearing Texas registration AS3-3692 pulling a trailer with a large spool containing plastic tubing bearing Texas registration 131-89E traveling east bound on Interstate Highway 10. Sergeant Hinterlach observed the 2002 Chevrolet (AS3-3692) fail to drive in a single lane by having crossed over the white shoulder line and also observed the trailer (131-89E) brake lights to be defective. Sergeant Hinterlach turned on the emergency lights of Sergeant Hinterlach's marked police unit in an attempt to pull over the white Chevrolet (ASE-3692). Sergeant Hinterlach also observed a white 1999 Ford pickup truck bearing Texas registration 38D-SF8 following the Chevrolet (ASE-3692) closely. Sergeant Hinterlach observed the Ford (38D-SF8) attempting to distract Sergeant Hinterlach from pulling the Chevrolet over. Sergeant Hinterlach pulled over the Chevrolet (ASE-3692) on Interstate Highway 10, eastbound lane at mile marker 632, Caldwell County, Texas.

Sergeant Hinterlach identified the driver of the Chevrolet (ASE-3692) as Jorge FLORES Gutierrez. Sergeant Hinterlach observed FLORES very nervous noting FLORES' hands to be shaking while FLORES' handed Sergeant Hinterlach FLORES' driver's license. Sergeant Hinterlach also observed FLORES' carotid vein on FLORES' neck pulsating. Sergeant Hinterlach noticed FLORES would not look at Sergeant Hinterlach in responding to Sergeant Hinterlach's questions.

Sergeant Hinterlach's observations of FLORES and the actions of the Ford (38D-SF8) that was following FLORES, Sergeant Hinterlach believed FLORES to be involved in criminal activity. Sergeant Hinterlach obtained verbal consent from FLORES to search both the Chevrolet (ASE-3692) and trailer (131-89E). Sergeant Hinterlach while searching the Chevrolet (ASE-3692) located four (4) cellular telephones and three (3) loaded magazines containing super .38 special ammunition.

Sergeant Hinterlach utilizing his assigned canine "Harley" conducted a free air search of the Chevrolet (ASE-3692) and the trailer (131-89E). "Harley" trained in the detection of narcotics, alerted to the presence of narcotics within the spool containing the plastic tubing. FLORES was taken into custody pending a thorough search of the spool containing the plastic tubing. Utilizing a wrecker, FLORES' Chevrolet (ASE-3692) was towed to the Caldwell County Sheriff's Office.

Sergeant Hinterlach and Detective Mike Torres removed the plastic tubing from the spool exposing the steel from the spool. Sergeant Hinterlach utilizing a power drill drilled a hole in the steel. Sergeant Hinterlach while removing the drill bit, Sergeant Hinterlach observed the drill bit to contain Marihuana. Sergeant Hinterlach and Detective Torres located and removed a steel panel on the side of the spool exposing numerous bundles of Marihuana concealed inside the spool. Sergeant Hinterlach and Detective Torres along with other Deputies removed 148 bundles of Marihuana from within the spool. Sergeant Hinterlach and Detective Torres determined the weight of the Marihuana to weigh approximately 1,761 pounds with packaging. Sergeant Hinterlach and Detective Torres secured the Marihuana at the Caldwell County Sheriff's Office pending submission to a criminal laboratory for analysis and preservation.